

Message Text

CONFIDENTIAL

PAGE 01 BUENOS 09107 01 OF 02 021814Z

ACTION ARA-14

INFO OCT-01 ISO-00 IO-13 DLOS-09 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 EUR-12 EB-08 SAB-02 /105 W

-----035002 021956Z /42

R 021500Z DEC 77

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 3492

INFO AMEMBASSY BRASILIA

AMEMBASSY LIMA

AMEMBASSY MONTEVIDEO

AMEMBASSY SANTIAGO

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 9107

E.O. 11652: GDS

TAGS: PBOR, AR, CI

SUBJECT: ARGENTINA MAY REJECT BEAGLE CHANNEL DECISION

REF: BUENOS AIRES 5912

SUMMARY: PRESS REPORTS BEGINNING THIS PAST WEEKEND (NOVEMBER 26-27) CLAIM ARGENTINA WILL NOT ACCEPT THE BEAGLE CHANNEL DECISION. PUBLIC PRESSURE -- SOME OF IT WE SUSPECT "INSPIRED" -- TO REJECT THE DECISION HAD BECOME INCREASINGLY STRONG AS ARGENTINES WARMED TO THREATS UPON THEIR NATIONAL SOVEREIGNTY AND TERRITORIAL CLAIMS. RESENTMENT TOWARD CHILE AND NEW EXPRESSIONS OF NATIONALISM ARE MAJOR RESULTS OF THIS UNPLEASANT AND UNWANTED INTERNATIONAL DISPUTE. END SUMMARY.

1. THE ARGENTINE GOVERNMENT INTENDS TO REJECT THE BEAGLE CHANNEL DECISION AND WILL DO SO OFFICIALLY EARLY NEXT YEAR, ACCORDING TO "CLARIN" NOVEMBER 25. THE INFORMATION, WHICH THE NEWSPAPER CLAIMS COMES FROM CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BUENOS 09107 01 OF 02 021814Z

"RESPONSIBLE SOURCES" HAS BEEN NEITHER CONFIRMED NOR DENIED BY OFFICIAL SPOKESMEN.

2. THE CLARIN ARTICLE ALSO REPORTS THAT A SPECIAL MISSION LED BY CHIEF OF THE JOINT STAFF REAR ADMIRAL JULIO TORTI, HAS GONE TO CHILE TO DISCUSS THE BEAGLE CHANNEL DISPUTE AT THE HIGHEST LEVELS OF GOVERNMENT. THE REPORT POINTS OUT THAT ARGENTINA

HAS STILL NOT AGREED TO CONVENE A NEW SESSION OF BILATERAL TALKS, AS PROPOSED BY CHILE IN THE LAST ROUND HELD LAST MONTH IN SANTIAGO.

3. SINCE ANNOUNCEMENT OF THE BEAGLE CHANNEL DECISION LAST MAY, OPPOSITION TO ARGENTINE ACCEPTANCE HAS GROWN INCREASINGLY LOUD. WHILE SOME OF THIS WAS PROBABLY INSPIRED AND ENCOURAGED BY FORCES WITHIN THE GOVERNMENT, THERE IS REAL CONCERN ON THE PART OF THOSE WHO ARE AWARE OF THE TOTAL EFFECT OF THE DECISION UPON ARGENTINA'S TERRITORIAL INTERESTS. VOCAL CRITICS OF THE DECISION INCLUDE CITIZENS' GROUPS, PRIVATE GEOGRAPHICAL INSTITUTES, EDITORIAL WRITERS, PROFESSORS, HISTORIANS AND RETIRED MILITARY AND DIPLOMATS WHO CONSIDER THE DECISION TO BE AN ATTACK UPON ARGENTINE SOVEREIGNTY. ONE CITIZENS' GROUP INTRODUCED A COURT CASE TO TEST THE VALIDITY OF THE GOVERNMENT'S SUBMITTING THE MATTER TO ARBITRATION IN THE FIRST PLACE. (THE CASE WAS THROWN OUT BY THE COURT WHICH CLAIMED IT DID NOT HAVE JURISDICTION IN THE MATTER.) ANOTHER PRIVATE GROUP HEADED BY RETIRED ADMIRAL ISAAC FRANCISCO ROJAS, A FORMER ARGENTINE VICE PRESIDENT, RECENTLY CONCLUDED A FOUR DAY SEMINAR PUBLICIZING PARTICIPANTS' ARGUMENTS AGAINST THE BRITISH GOVERNMENT'S AWARD.

4. THE ARGENTINE NAVY, WHILE REFRAINING FROM A DIRECT STATEMENT ON THE DECISION, HAS MADE IT CLEAR IT WILL NOT PERMIT CHILEAN ADVANCES UPON WHAT IS CONSIDERED TO BE ARGENTINE SOVEREIGN CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BUENOS 09107 01 OF 02 021814Z

TERRITORY AND ITS SOUTHERN ATLANTIC TERRITORIAL SEA. EIGHT PROTEST NOTES HAVE PASSED BETWEEN ARGENTINA AND CHILE ON NAVAL MANUEVERS AND PLACEMENT OF BUOYS IN THE DISPUTED CHANNEL WATERS. ADMIRAL MASSERA HAS VOWED TO DEFEND ARGENTINA FROM "GEOGRAPHICAL MUTILATION" AND HAS MAINTAINED NAVAL FORCES ON ALERT IN THE SOUTHERN ATLANTIC AREA. MASSERA, ACCORDING TO INTIMATES, HAS TAKEN A VERY FIRM ATTITUDE IN DEFENSE OF ARGENTINE SOVEREIGNTY AND TERRITORIAL INTERESTS. HE REPORTEDLY FEELS THAT THE ARGENTINE ARMY IS BUNGLING THE PRESENTATION OF ARGENTINA'S POSITION ON THE ISSUE AND HAS DECIDED THAT THE NAVY MUST TAKE THE LEADERSHIP ROLE IN WARDING OFF CHILEAN MOVES IN THE DISPUTED AREA.

5. ARGENTINES BASE THEIR ARGUMENT AGAINST ACCEPTANCE OF THE DECISION ON SEVERAL FACTORS: THE PRINCIPLE OF OCEANIC BOUNDARIES ESTABLISHED IN TREATIES AND PROTOCOLS SIGNED BY CHILE AND ARGENTINA IN 1881, 1893 AND 1902 WHICH PRECLUDES CHILEAN CLAIMS IN THE ATLANTIC AND ARGENTINE CLAIMS IN THE PACIFIC; THE 1971 TREATY SUBMITTING THE BEAGLE CHANNEL QUESTION

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BUENOS 09107 02 OF 02 021855Z
ACTION ARA-14

INFO OCT-01 ISO-00 IO-13 DLOS-09 CIAE-00 DODE-00 PM-05
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 USIA-06 EUR-12 EB-08 SAB-02 /105 W
-----035449 021956Z /42

R 021500Z DEC 77
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 3493
INFO AMEMBASSY BRASILIA
AMEMBASSY LIMA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

C O N F I D E N T I A L SECTION 2 OF 2 BUENOS AIRES 9107

TO ARBITRATION, WHICH IS SAID TO BE INVALID AND ILLEGAL BECAUSE IT WAS NEVER SUBMITTED TO THE ARGENTINE CONGRESS FOR RATIFICATION AS REQUIRED BY THE CONSTITUTION; PREJUDICE ON THE PART OF THE ARBITRATION COURT'S LEGAL ADVISER WHO REPORTEDLY ACTED AGAINST ARGENTINA IN A 1965 CASE INVOLVING THE MALVINAS ISLANDS; AND THE LACK OF JURISDICTION OF THE ARBITRATION COURT WHOSE DECISION AFFECTS TERRITORY NOT SUBMITTED FOR ARBITRATION.

6. ALTHOUGH SOME LEGAL EXPERTS AND DIPLOMATS HAVE SAID THAT ARGENTINA IS FORCED TO ACCEPT THE RULING IN ORDER TO MAINTAIN ITS PRESTIGE AND INTERNATIONAL REPUTATION FOR HONORING ITS PLEDGES, OTHERS CLAIM THAT THE COST TO ARGENTINA'S INTERNATIONAL STATURE OF REJECTING THE DECISION WOULD HURT LESS THAN THE LOSS OF ITS TERRITORY AND HONOR IN THE SOUTHERN ATLANTIC. THEY POINT TO THE CONSIDERABLE ECONOMIC AND STRATEGIC VALUE OF THE DISPUTED AREA WHICH IS SAID TO BE RICH IN COBALT AND COPPER, PETROLEUM AND MARINE RESOURCES AND WHICH THEY CLAIM WOULD BE A VITAL WATERWAY IN THE EVENT OF WORLD CONFLICT OR A SHUT DOWN OF THE PANAMA CANAL.

7. ARGENTINE OFFICIALS, INCLUDING FOREIGN MINISTER OSJCAR
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BUENOS 09107 02 OF 02 021855Z

MONTES, CONTINUE TO SAY PUBLICLY THAT ARGENTINE-CHILEAN RELATIONS REMAIN GOOD IN ALL OTHER AREAS OF BILATERAL INTEREST.

THEY EXPLAIN THAT FOREIGN MINISTRY OFFICIALS AND LEGAL TECHNICIANS ARE STILL STUDYING ARGENTINA'S RESPONSE TO THE DECISION. NEVERTHELESS, MORE VOCAL CRITICS CONTEND THAT CHILE IS USING THE BEAGLE DISPUTE AS A JUMPTING OFF POINT FOR FURTHER HEGEMONIC AIMS IN THE SOUTHERN REGION. ONE EDITORIAL WRITER SUGGESTED THAT CHILE HAS JOINED FORCES WITH ARGENTINA'S OTHER "EVIL INTENTIONED AND TERRITORY-HUNGRY NEIGHBOR BRAZIL" IN ENCROACHING UPON ARGENTINE SOVEREIGNTY.

8. PUBLIC OPPOSITION TO THE DECISION AND THE NAVY'S PUBLICLY DECLARED AND SELF-ASSIGNED ROLE AS DEFENDER OF ARGENTINE SOVEREIGNTY AND TERRITORIAL INTEGRITY MAKE IT EXCEEDINGLY DIFFICULT FOR THE ARGENTINE GOVERNMENT TO ACCEPT THE DECISION, HOWEVER UNFORTUNATE THAT CHOICE MAY BE FOR ITS RELATIONS WITH CHILE AND ITS REPUTATION FOR HONORING ITS COMMITMENTS. ARGENTINA WAS APPARENTLY HOPEFUL OF NEGOTIATING A QUIET AND MUTUALLY ACCEPTABLE SETTLEMENT IN THE DISPUTE, BUT THE TWO EARLIER ROUNDS OF TALKS APPARENTLY FAILED TO BRING THE COUNTRIES CLOSER TO AN UNDERSTANDING. CHILE REPORTEDLY HAS DECLARED IT WILL BACK ITS CLAIM FULLY WITH A CALL ON THE ARBITRATION COURT AND THE INTERNATIONAL COMMUNITY TO PRESS ARGENTINA TO HONOR THE DECISION. ARGENTINA, FOR ITS PART, WOULD BE LOATH TO FIND ITSELF THE RENEGING PARTY. IF THE REPORTED--BUT NOT CONFIRMED--MISSION OF A HIGH RANKING ARGENTINE MILITARY TEAM TO CHILE FAILS TO BREAK THE DEADLOCK, DOMESTIC FACTORS AND PERCEIVED CHILEAN UNWILLINGNESS TO NEGOTIATE AN ACCEPTABLE SETTLEMENT APPEARS TO BE PUSHING THE GOVERNMENT TOWARDS THAT UNPLEASANT CHOICE.

CASTRO

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BUENOS09107
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770448-0133
Format: TEL
From: BUENOS AIRES
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197712101/aaaadibv.tl
Line Count: 198
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f0dccefb-c188-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 BUENOS AIRES 5912
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 106935
Secure: OPEN
Status: NATIVE
Subject: ARGENTINA MAY REJECT BEAGLE CHANNEL DECISION
TAGS: PBOR, AR, CI
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/f0dccefb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009